United Nations A/52/337

General Assembly

Distr.: General
15 September 1997

Original: English

Fifty-second session
Agenda item 105

Advancement of women

Status of the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General

Contents

		Paragraphs	Page
I.	Introduction	1	2
II.	Status of the Convention on the Elimination of All Forms of Discrimination against Women	2–5	2

Annexes

I.	List of States that have ratified, acceded or succeeded to the Convention as at 1 August 1997	3
II.	Reservations and declarations made upon ratification between 1 August 1996 and 1 August 1997	8
III.	Objections made between 1 August 1996 and 1 August 1997	9
IV.	Withdrawals of reservations and declarations between 1 August 1996 and 1 August 1997	15
V.	Extension of application by States parties between 1 August 1996 and 1 August 1997	16
VI.	Communications received by States parties between 1 August 1996 and 1 August 1997	17

97-24129 (E) 101097 111097

I. Introduction

1. By its resolution 34/180 of 18 December 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women. In its subsequent resolutions 35/140, 36/131, 37/64, 38/109, 39/130, 40/39, 41/108, 42/60, 43/100, 44/73, 45/124, 47/94, 49/164 and 51/68, the Assembly urged States that had not yet ratified or acceded to the Convention to do so as soon as possible and requested the Secretary-General to report on the status of the Convention annually.

II. Status of the Convention on the Elimination of All Forms of Discrimination against Women

2. The Convention was opened for signature in New York on 1 March 1980 and, in accordance with article 27 it entered into force on 3 September 1981.

3. As at 1 August 1997, 160 States parties had ratified or acceded to the Convention, including 60 States which had acceded and 6 which had succeeded to the Convention. In addition, four States parties were signatories to the Convention. Since the last status report (A/51/227 and Corr.1) the following States parties have ratified, acceded or succeeded to the Convention: Botswana, 13 August 1996; Andorra, 15 January 1997; Kyrgyzstan, 10 February 1997; Switzerland, 27 March 1997; Mozambique, 16 April 1997; Lebanon, 21 April 1997; and Turkmenistan, 1 May 1997 (see annex I for the complete list of States parties that have signed, ratified, acceded or succeeded to the Convention as at 1 August 1997, as well as the dates of signature and receipt of the instruments of ratification, accession or succession).

4. As at 1 August 1997, 14 States parties had deposited with the Secretary-General instruments of their acceptance of the amendment to article 20 paragraph 1, of the Convention, including 8 States parties that did so from 1 August 1996 to 1 August 1997. These were: Brazil, 5 March 1997; Liechtenstein, 15 April 1997; Malta, 5 March 1997; Mexico, 16 September 1996; New Zealand, 26 September 1996; Panama, 5 November 1996; Republic of Korea, 12 August 1996; and United Kingdom of Great Britain and Northern Ireland, 19 November 1996.

5. During the period from 1 August 1996 to 1 August 1997, reservations were made upon ratification of the Convention by Lebanon (see annex II). Objections were received from Austria, Finland, Germany, the Netherlands and Norway (see annex III). Withdrawals of reservations and declarations were received from Bangladesh, Liechtenstein and Romania (see annex IV). An extension of application was received from the United Kingdom of Great Britain and Northern Ireland. Communications were received from Denmark and Sweden (see annex VI).

Annex I

List of States that have ratified, acceded or succeeded to the Convention as at 1 August 1997

State party	*Date of receipt of the instrument of ratification, accession or succession*	*Date of entry into force*
Afghanistan[a] [b]		
Albania	11 May 1994[c]	10 June 1994
Algeria	22 May 1996[c] [d]	21 June 1996
Andorra	15 January 1997[c]	14 February 1997
Angola	17 September 1986[c]	17 October 1986
Antigua and Barbuda	1 August 1989[c]	31 August 1989
Argentina	15 July 1985[d]	14 August 1985
Armenia	13 September 1993[c]	13 October 1993
Australia	28 July 1983[d]	27 August 1983
Austria	31 March 1982[d]	30 April 1982
Azerbaijan	10 July 1995[c]	9 August 1995
Bahamas	6 October 1993[c]	5 November 1993
Bangladesh	6 November 1984[c] [d]	6 December 1984
Barbados	16 October 1980	3 September 1981
Belarus	4 February 1981[e]	3 September 1981
Belgium	10 July 1985[d]	9 August 1985
Belize	16 May 1990	15 June 1990
Benin	12 March 1992	11 April 1992
Bhutan	31 August 1981	30 September 1981
Bolivia	8 June 1990	8 July 1990
Bosnia and Herzegovina	1 September 1993[f]	1 October 1993
Botswana	13 August 1996[c]	12 September 1996
Brazil	1 February 1984[d]	2 March 1984
Bulgaria	8 February 1982[e]	10 March 1982
Burkina Faso	14 October 1987[c]	13 November 1987
Burundi	8 January 1992	7 February 1992
Cambodia	15 October 1992[c]	14 November 1992
Cameroon	23 August 1994[c]	22 September 1994
Canada	10 December 1981[e]	9 January 1982
Cape Verde	5 December 1980[c]	3 September 1981
Central African Republic	21 June 1991[c]	21 July 1991
Chad	9 June 1995[c]	9 July 1995

State party	*Date of receipt of the instrument of ratification, accession or succession*	*Date of entry into force*
Chile	7 December 1989	6 January 1990
China	4 November 1980[d]	3 September 1981
Colombia	19 January 1982	18 February 1982
Comoros	31 October 1994[c]	30 November 1994
Congo	26 July 1982	25 August 1982
Costa Rica	4 April 1986	4 May 1986
Côte d'Ivoire	19 December 1995[c]	17 January 1996
Croatia	9 September 1992[f]	9 October 1992
Cuba	17 July 1980[d]	3 September 1981
Cyprus	23 July 1985[c d]	22 August 1985
Czech Republic[g]	22 February 1993[e f]	24 March 1993
Denmark	21 April 1983	21 May 1983
Dominica	15 September 1980	3 September 1981
Dominican Republic	2 September 1982	2 October 1982
Ecuador	9 November 1981	9 December 1981
Egypt	18 September 1981[d]	18 October 1981
El Salvador	19 August 1981[d]	18 September 1981
Equatorial Guinea	23 October 1984[c]	22 November 1984
Eritrea	5 September 1995[c]	5 October 1995
Estonia	21 October 1991[c]	20 November 1991
Ethiopia	10 September 1981[d]	10 October 1981
Fiji	28 August 1995[c d]	27 September 1995
Finland	4 September 1986	4 October 1986
France	14 December 1983[d e]	13 January 1984
Gabon	21 January 1983	20 February 1983
Gambia	16 April 1993	16 May 1993
Georgia	26 October 1994[c]	25 November 1994
Germany[h]	10 July 1985[d]	9 August 1985
Ghana	2 January 1986	1 February 1986
Greece	7 June 1983	7 July 1983
Grenada	30 August 1990	29 September 1990
Guatemala	12 August 1982	11 September 1982
Guinea	9 August 1982	8 September 1982
Guinea-Bissau	23 August 1985	22 September 1985
Guyana	17 July 1980	3 September 1981
Haiti	20 July 1981	3 September 1981

State party	*Date of receipt of the instrument of ratification, accession or succession*	*Date of entry into force*
Honduras	3 March 1983	2 April 1983
Hungary	22 December 1980[a]	3 September 1981
Iceland	18 June 1985	18 July 1985
India	9 July 1983[d]	8 August 1993
Indonesia	13 September 1984[d]	13 October 1984
Iraq	13 August 1986[c d]	12 September 1986
Ireland	23 December 1985[c d a]	22 January 1986
Israel	3 October 1991[d]	2 November 1991
Italy	10 June 1985[d]	10 July 1985
Jamaica	19 October 1984[d]	18 November 1984
Japan	25 June 1985	25 July 1985
Jordan	1 July 1992[d]	31 July 1992
Kenya	9 March 1984[c]	8 April 1984
Kuwait	2 September 1994[c]	2 October 1994
Kyrgyzstan	10 February 1997[c]	12 March 1997
Lao People's Democratic Republic	14 August 1981	13 September 1981
Latvia	14 April 1992[c]	14 May 1992
Lebanon	21 April 1997[c d]	21 May 1997
Lesotho	22 August 1995[c d]	21 September 1995
Liberia	17 July 1984[c]	16 August 1984
Libyan Arab Jamahiriya	16 May 1989[c d]	15 June 1989
Liechtenstein	22 December 1995[c a]	21 January 1996
Lithuania	18 January 1994[c]	17 February 1994
Luxembourg	2 February 1989[d]	4 March 1989
Madagascar	17 March 1989	16 April 1989
Malawi	12 March 1987[c a]	11 April 1987
Malaysia	5 July 1995[c]	4 August 1995
Maldives	1 July 1993[c d]	31 July 1993
Mali	10 September 1985	10 October 1985
Malta	8 March 1991[c d]	7 April 1991
Mauritius	9 July 1984[c d]	8 August 1984
Mexico	23 March 1981[d]	3 September 1981
Mongolia	20 July 1981[a]	3 September 1981
Morocco	21 June 1993[c d]	21 July 1993
Mozambique	16 April 1997[c]	16 May 1997
Namibia	23 November 1992[c]	23 December 1992

State party	*Date of receipt of the instrument of ratification, accession or succession*	*Date of entry into force*
Nepal	22 April 1991	22 May 1991
Netherlands	23 July 1991[d]	22 August 1991
New Zealand	10 January 1985[d e]	9 February 1985
Nicaragua	27 October 1981	26 November 1981
Nigeria	13 June 1985	13 July 1985
Norway	21 May 1981	3 September 1981
Pakistan	12 March 1996[c d]	11 April 1996
Panama	29 October 1981	28 November 1981
Papua New Guinea	12 January 1995[c]	11 February 1995
Paraguay	6 April 1987[c]	6 May 1987
Peru	13 September 1982	13 October 1982
Philippines	5 August 1981	4 September 1981
Poland	30 July 1980[d]	3 September 1981
Portugal	30 July 1980	3 September 1981
Republic of Korea	27 December 1984[d e]	26 January 1985
Republic of Moldova	1 July 1994[c]	31 July 1994
Romania	7 January 1982[d]	6 February 1982
Russian Federation	23 January 1981[e]	3 September 1981
Rwanda	2 March 1981	3 September 1981
Saint Kitts and Nevis	25 April 1985[c]	25 May 1985
Saint Lucia	8 October 1982[c]	7 November 1982
Saint Vincent and the Grenadines	4 August 1981[c]	3 September 1981
Samoa	25 September 1992[c]	25 October 1992
Senegal	5 February 1985	7 March 1985
Seychelles	5 May 1992[c]	4 June 1992
Sierra Leone	11 November 1988	11 December 1988
Singapore	5 October 1995[c d]	5 November 1995
Slovakia[g]	28 May 1993[e f]	27 June 1993
Slovenia	6 July 1992[f]	5 August 1992
South Africa	15 December 1995[c]	14 January 1996
Spain	5 January 1984[d]	4 February 1984
Sri Lanka	5 October 1981	4 November 1981
Suriname	1 March 1993[c]	31 March 1993
Sweden	2 July 1980	3 September 1981
Switzerland	27 March 1997[c]	26 April 1997
Tajikistan	26 October 1993[c]	25 November 1993

State party	*Date of receipt of the instrument of ratification, accession or succession*	*Date of entry into force*
Thailand	9 August 1985[c d e]	8 September 1985
The former Yugoslav Republic of Macedonia	18 January 1994[f]	17 February 1994
Togo	26 September 1983[c]	26 October 1983
Trinidad and Tobago	12 January 1990[d]	11 February 1990
Tunisia	20 September 1985[d]	20 October 1985
Turkey	20 December 1985[c d]	19 January 1986
Turkmenistan	1 May 1997[c]	31 May 1997
Uganda	22 July 1985	21 August 1985
Ukraine	12 March 1981[g]	3 September 1981
United Kingdom of Great Britain and Northern Ireland	7 April 1986[d]	7 May 1986
United Republic of Tanzania	20 August 1985	19 September 1985
United States of America[i]		
Uruguay	9 October 1981	8 November 1981
Uzbekistan	19 July 1995[c]	18 August 1995
Vanuatu	8 September 1995[c]	7 October 1995
Venezuela	2 May 1983[d]	1 June 1983
Viet Nam	17 February 1982[d]	19 March 1982
Yemen[j]	30 May 1984[c d]	29 June 1984
Yugoslavia	26 February 1982	28 March 1982
Zaire	17 October 1986	16 November 1986
Zambia	21 June 1985	21 July 1985
Zimbabwe	13 May 1991[c]	12 June 1991

[a] States that have signed the Convention but have not yet ratified or acceded to it.

[b] Afghanistan signed the Convention on 14 August 1980.

[c] Accession.

[d] Declarations or reservations.

[e] Reservation subsequently withdrawn.

[f] Succession.

[g] Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia, which had ratified the Convention on 16 February 1982.

[h] With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation "Germany".

[i] The United States of America signed the Convention on 17 July 1980.

[j] On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation "Yemen".

Annex II

Reservations and declarations made upon ratification between 1 August 1996 and 1 August 1997

Reservations made by the Government of Lebanon upon ratification

[Original: French]

[16 May 1997]

The Government of the Lebanese Republic enters reservations regarding article 9, paragraph 2, and article 16, paragraph 1 (c), (d), (f) and (g) (regarding the right to choose a family name).

In accordance with paragraph 2 of article 29, the Government of the Lebanese Republic declares that it does not consider itself bound by the provisions of paragraph 1 of that article.

Annex III

Objections made between 1 August 1996 and 1 August 1997

Objection by the Government of Germany to reservations made by the Government of Pakistan

[28 May 1997]

The Government of the Federal Republic of Germany has examined the contents of the "general declaration" made by the Government of the Islamic Republic of Pakistan on its accession to the Convention on the Elimination of All Forms of Discrimination against Women. The declaration reads: "The accession by (the) Government of the Islamic Republic of Pakistan to the Convention on the Elimination of All Forms of Discrimination against Women is subject to the provisions of the Constitution of the Islamic Republic of Pakistan".

The Government of the Federal Republic of Germany considers that such a declaration which seeks to limit the validity of the Convention by making it contingent upon congruity with the Pakistan Constitution may raise doubts as to Pakistan's commitment to the object and purpose of the Convention. Such a reservation referring generally to the Constitution is not permitted under the Convention. It is in the common interest of all parties to a treaty that it is respected as to object and purpose by all parties. The Government of the Federal Republic of Germany therefore objects to the above-mentioned declaration.

This objection does not preclude the entry into force of the Convention between the Islamic Republic of Pakistan and the Federal Republic of Germany.

Objection by the Government of the Netherlands to reservations made by the Government of Pakistan

[30 May 1997]

The Government [of the] Kingdom of the Netherlands has examined the declaration made by the Government of Pakistan at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women and considers the said declaration as a reservation.

The Government [of the] Kingdom of the Netherlands notes that the said declaration amounts to reservations of a general nature in respect of the provisions of the Convention which are considered contrary to the Constitution of Pakistan.

The Kingdom of the Netherlands is of the view that these general reservations, which seek to limit the obligations of the reserving State by invoking its Constitution, may raise doubts as to the commitment of Pakistan to the object and purpose of the Convention and recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. The Government of the Kingdom of the Netherlands is further of the view that general reservations of the kind made by the Government of Pakistan, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid declaration made by the Government of Pakistan to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Pakistan.

Objection by the Government of Austria to reservations made by the Government of Pakistan

[5 June 1997]

Austria has examined the contents of the general declaration made by Pakistan at the time of accession to the Convention on the Elimination of All Forms of Discrimination against Women, which reads as follows:

> "The accession by the Government of the Islamic Republic of Pakistan to the Convention on the Elimination of All Forms of Discrimination against Women is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

Austria is of the view that a reservation by which a State limits its responsibilities under the Convention in a general and unspecified manner by invoking internal law creates doubts as to the commitment of the Islamic Republic of Pakistan with its obligations under the Convention, essential for the fulfilment of its object and purpose.

It is in the common interests of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

Austria is further of the view that a general reservation of the kind made by the Government of the Islamic Republic of Pakistan, which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, contributes to undermining the basis of international treaty law.

Given the general character of this reservation, a final assessment as to its admissibility under international law cannot be made without further clarification.

According to international law a reservation is inadmissible to the extent as its application negatively affects the compliance by a State with its obligations under the Convention essential for the fulfilment of its object and purpose.

Therefore, Austria cannot consider the reservation made by the Government of the Islamic Republic of Pakistan as admissible unless the Government of the Islamic Republic of Pakistan, by providing additional information or through subsequent practice, ensures that the reservation is compatible with the provisions essential for the implementation of the object and purpose of the Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between Pakistan and Austria.

Objection made by the Government of Finland to reservations made by the Government of Pakistan

[6 June 1997]

The Government of Finland has examined the general declaration made by the Government of the Islamic Republic of Pakistan at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women. The Government of Finland notes that according to that general declaration the accession by the Government of the Islamic Republic of Pakistan to the said Convention is subject to the provisions of the Constitution of the Islamic Republic of Pakistan. The Government of Finland considers this general declaration as a reservation of a general kind.

The Government of Finland is of the view that such a general reservation raises doubts as to the commitment of Pakistan to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interests of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland is further of the view that general reservations of the kind made by the Government of the Islamic Republic of Pakistan, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid general reservation made by the Government of the Islamic Republic of Pakistan to the Convention on the Elimination of All Forms of Discrimination against Women, which is considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Convention between Pakistan and Finland.

Objection made by the Government of Norway to reservations made by the Government of Pakistan

[6 June 1997]

The Government of Norway has examined the content of the reservation made by the Government of Pakistan upon the accession to the above Convention, which reads as follows: "The accession ... is subject to the provisions of the Constitution of the Islamic Republic of Pakistan". The Government of Norway considers that the reservation made by the Government of Pakistan, owing to its unlimited scope and undefined character, is contrary to the object and purpose of the Convention. Under well-established treaty law, a State party may not invoke the provisions of its internal law as justification for its failure to perform treaty obligations. For these reasons the Government of Norway

objects to the reservation made by the Government of Pakistan.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and the Islamic Republic of Pakistan.

Objection made by the Government of Germany to reservations made by the Government of Algeria

[14 August 1997]

The Government of the Federal Republic of Germany has examined the contents of the reservations made by the Government of Algeria on its accession to the Convention on the Elimination of All Forms of Discrimination against Women, in which the Government of Algeria stated its readiness to apply article 2, article 9, paragraph 2, article 15, paragraph 4, and article 16 of the Convention provided that they do not conflict with Algerian family law.

The Government of the Federal Republic of Germany considers that such reservation seeking to limit the validity of the Convention by making it contingent upon congruity with Algerian family law may raise doubts as to Algeria's commitment to the object and purpose of the Convention. The Convention does not allow for reservations arguing the primacy of national law. It is in the common interest of all parties to a treaty that it is respected as to object and purpose by all parties. The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations.

This objection does not preclude the entry into force of the Convention between Algeria and the Federal Republic of Germany.

Objection by the Government of Germany to reservations made by the Government of Malaysia

[8 October 1996]

The Government of the Federal Republic of Germany has examined the contents of the declaration and the reservations made by the Government of Malaysia upon accession to the aforesaid Convention in which it states the following:

"The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic shariah law and the Federal Constitution of Malaysia. With regard thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles 2 (f), 5 (a), 7 (b), 9 and 16 of the aforesaid Convention."

The Government of the Federal Republic of Germany considers that such declaration and reservations, which seek to limit the responsibilities of Malaysia under the Convention by restricting them to the Islamic shariah and to already existing national legislation and by restricting the application of central articles of the Convention, may raise doubts as to the commitment of Malaysia to the object and purpose of the Convention. The Government of the Federal Republic of Germany therefore objects to these reservations and this declaration.

The Government of the Federal Republic of Germany does not, however, consider that this objection constitutes an obstacle to the entry into force of the Convention between Germany and Malaysia.

Objection by the Government of the Kingdom of the Netherlands to reservations made by the Government of Malaysia

[15 October 1996]

The Government of the Kingdom of the Netherlands considers, with regard to the reservations made by Malaysia relating to the Convention on the Elimination of All Forms of Discrimination against Women, that such reservations, which seek to limit the responsibilities of the reserving State under the Convention by invoking the general principles of national law and the Constitution, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties.

The Government of the Kingdom of the Netherlands further considers that the reservations made by Malaysia regarding article 2 (f), article 5 (a), article 9 and article 16 of the Convention are incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Malaysia.

Objection by the Government of Finland to reservations made by the Government of Malaysia

[16 October 1996]

The Government of Finland has examined the contents of the reservations made by the Government of Malaysia upon accession to the said Convention.

The reservations made by Malaysia, consisting of a general reference to religious and national law without specifying the contents thereof and without stating unequivocally the provisions the legal effect of which may be excluded or modified, do not clearly define to the other parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that the reservations of Malaysia are subject to the general principle of observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform its treaty obligations. It is in the common interest of States that parties to international treaties are prepared to take the necessary legislative changes in order to fulfil the object and purpose of the treaty.

Furthermore, the reservations made by Malaysia, in particular to articles 2 (f) and 5 (a), are to fundamental provisions of the Convention the implementation of which is essential to fulfilling its object and purpose.

The Government of Finland considers that in their present formulation the reservations made by Malaysia are clearly incompatible with the object and purpose of the said Convention and therefore inadmissible under article 28, paragraph 2, of the said Convention. In view of the above, the Government of Finland objects to these reservations and notes that they are devoid of legal effect.

Objection by the Government of Norway to reservations made by the Government of Malaysia

[11 October 1996]

The Government of Norway has examined the contents of the reservations made by Malaysia upon accession, which read as follows:

> "The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic shariah law and the Federal Constitution of Malaysia. With regard thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles 2 (f), 5 (a), 7 (b), 9 and 16 of the aforesaid Convention."

In the view of the Government of Norway, a statement by which a State party purports to limit its responsibilities under the Convention by invoking general principles of internal or religious law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway considers that reservation made by the Government of Malaysia with respect to certain specific provisions of the Convention is so extensive as to be contrary to the object and purpose of the Convention, and thus not permitted under article 28, paragraph 2, of the Convention. For these reasons, the Government of Norway objects to the reservations made by the Government of Malaysia.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and Malaysia.

Objection by the Government of Finland to reservations made by the Government of the Libyan Arab Jamahiriya

[16 October 1996]

The Government of Finland has examined the contents of the modified reservation made by the Government of the Libyan Arab Jamahiriya to the Convention on the Elimination of All Forms of Discrimination against Women.

A reservation which consists of a general reference to religious law without specifying its contents does not clearly define to the other parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore may cast doubts about the commitment of the reserving State to fulfil its obligations under the Convention. Such a reservation is also, in the view of the Government of Finland, subject to the general principle of the observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty.

The Government of Finland therefore objects to the reservation made by the Libyan Arab Jamahiriya to the said Convention.

Objection by the Government of Norway to reservations made by the Government of Lesotho

[24 January 1997]

The Government of Norway has examined the contents of the reservation made by the Government of the Kingdom of Lesotho upon ratification, which reads as follows:

> "The Government of the Kingdom of Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and the law relating to succession to chieftainship. The Lesotho Government's ratification is subject to the understanding that none of its obligations under the Convention, especially in article 2 (e), shall be treated as extending to the affairs of religious denominations.
>
> "Furthermore, the Lesotho Government declares that it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho."

The Government of Norway considers that the latter part of the reservation made by the Kingdom of Lesotho, owing to its unlimited scope and undefined character, is inadmissible under international law. A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established international treaty law, a State is not permitted to invoke internal law as a justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to the reservation made by the Government of the Kingdom of Lesotho.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and the Kingdom of Lesotho.

Objection by the Government of Finland to reservations made by the Government of Lesotho

[1 November 1996]

With regard to the reservations made by Lesotho upon ratification:

> [Same objection, *mutatis mutandis*, as the one made for Malaysia.]

Objection by the Government of Finland to reservations made by the Government of Singapore

[21 November 1996]

With regard to the reservations made by Singapore upon accession:

> [Same objection, *mutatis mutandis*, as the one made for Malaysia.]

Objection by the Government of the Netherlands to reservations made by the Governments of Fiji and Lesotho

[1 November 1996]

With regard to the reservations made by Fiji upon accession and Lesotho upon ratification:

> [Same objection, *mutatis mutandis*, as the one made for Malaysia.]

Objection by the Government of the Netherlands to reservations made by the Government of Singapore

[20 November 1996]

With regard to the reservations made by Singapore upon accession, the Government of the Kingdom of the Netherlands ... considers:

- That the reservation under (1) is incompatible with the purpose of the Convention;
- That the reservation under (2) suggests a distinction between migrating men and migrating women, and by that is an implicit reservation regarding article 9 of the Convention, which is incompatible with the object and purpose of the Convention;
- That the reservation under (3), particularly the last part — "and considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation" — is a reservation which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of its national law, and in this particular case to exclude the application of the said article for a specific category of women, and therefore may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations.

This objection shall not preclude the entry into force of the Convention between Singapore and the Kingdom of the Netherlands.

Objection by the Government of Norway to reservations made by the Government of Singapore

[21 November 1996]

With regard to the reservations made by Singapore upon accession:

[Same objection, *mutatis mutandis*, as the one made for Maldives.]

Annex IV

Withdrawals of reservations and declarations between 1 August 1996 and 1 August 1997

Partial withdrawal of a reservation and a declaration by Bangladesh

[Original: English]

The Government of the People's Republic of Bangladesh notified the Secretary-General of its decision to withdraw its reservation with regard to article 13 (a) and 16, paragraph 1 (f), of the Convention, which it had made upon ratification of the Convention.

Withdrawal of a reservation and declaration by Liechtenstein

[Original: English]

[31 December 1996]

"Reservation concerning article 9, paragraph 2:

"The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

The withdrawal took effect on the date of the receipt of the notification, i.e. on 3 October 1996.

Partial withdrawal of a reservation and declaration by Romania

[Original: French]

[25 April 1997]

1. *Ad* article 7: The Government of the Romanian People's Republic declares its disagreement with the last sentence of article 7 and considers that the juridical effect of a reservation is to make the Convention operative as between the State making the reservation and all other States parties to the Convention, with the exception only of that part thereof to which the reservation relates.

Annex V

Extension of application by States paries between 1 August 1996 and to 1 August 1997

Extension of application by the United Kingdom of Great Britain and Northern Ireland

[Original: English]

[31 December 1996]

General

(a) The United Kingdom on behalf of Hong Kong understands the main purpose of the Convention, in the light of the definition contained in article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term. Undertakings by the United Kingdom on behalf of Hong Kong under article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

(b) The right to continue to apply such immigration legislation governing entry into, stay in and departure from Hong Kong as may be deemed necessary from time to time is reserved by the United Kingdom on behalf of Hong Kong. Accordingly, acceptance of article 15, paragraph 4, and of the other provisions of the Convention, is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of Hong Kong to enter and remain in Hong Kong.

(c) In the light of the definition contained in article 1, the United Kingdom's extension of its ratification to Hong Kong is subject to the understanding that none of its obligations under the Convention in Hong Kong shall be treated as extending to the affairs of religious denominations or orders.

(d) Laws applicable in the New Territories which enable male indigenous villagers to exercise certain rights in respect of property and which provide for rent concessions in respect of land or property held by indigenous persons or their lawful successors through the male line will continue to be applied.

Specific articles

Article 9

The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The United Kingdom's acceptance of article 9 on behalf of Hong Kong shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

Article 11

The United Kingdom on behalf of Hong Kong reserves the right to apply all Hong Kong legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a social security scheme.

This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention in respect of Hong Kong.

The United Kingdom on behalf of Hong Kong reserves the right to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained in article 11, paragraph 2.

Article 15

In relation to article 15, paragraph 3, the United Kingdom on behalf of Hong Kong understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole.

Annex VI

Communications received by States parties between 1 August 1996 and 1 August 1997

Communication received from the Government of Denmark

[Original: English]

[12 February 1997]

On a reservation by Maldives

The Government of Denmark has examined the reservation made by the Government of Maldives upon accession to the Convention on the Elimination of All Forms of Discrimination against Women. The reservation reads:

"The Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory to the principles of the Islamic shariah upon which the laws and traditions of Maldives is founded.

"Furthermore, the Republic of Maldives does not see itself bound by any provisions of the Convention which obliged [it] to change its Constitution and laws in any manner."

Because of its unlimited scope and undefined character the reservation is incompatible with the object and purposes of the Convention and accordingly inadmissible and without effect under international law. Furthermore it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. Therefore the Government of Denmark objects to these reservations.

The Convention remains in force in its entirety between Maldives and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Maldives to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

On a reservation by Kuwait

The Government of Denmark has examined the reservations made by the Government of the State of Kuwait upon accession to the Convention on the Elimination of All Forms of Discrimination against Women. The reservations read:

"1. Article 7 (a):

"The Government of Kuwait enters a reservation regarding article 7 (a), inasmuch as the provision contained in that paragraph conflicts with the Kuwait Electoral Act, under which the right to be eligible for election and to vote is restricted to males.

"2. Article 9, paragraph 2:

"The Government of Kuwait reserves its right not to implement the provision contained in article 9, paragraph 2, of the Convention, inasmuch as it runs counter to the Kuwaiti Nationality Act, which stipulates that a child's nationality shall be determined by that of his father.

"3. Article 16 (f):

"The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in article 16 (f) inasmuch as it conflicts with the provision of the Islamic shariah, Islam being the official religion of the State."

The Government of Denmark finds that the said reservations cover central provisions of the Convention. Furthermore, it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. The Government of Denmark finds that the reservations are incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Consequently, the Government of Denmark objects to these reservations.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Convention remains in force in its entirety between Kuwait and Denmark.

The Government of Denmark recommends the Government of the State of Kuwait to reconsider its

reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

On a reservation by Malaysia

The Government of Denmark has examined the reservations made by Malaysia upon accession to the Convention. The reservations read:

> "The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic shariah law and the Federal Constitution of Malaysia does not consider itself bound by the provisions of articles 2 (f), 5 (a), 7 (b), 9 and 16 of the aforesaid Convention.
>
> "In relation to article 11, Malaysia interprets the provisions of this article as a reference to the prohibition of discrimination on the basis of equality between men and women only."

The Government of Denmark finds that the general reservation with reference to Islamic shariah and the Constitution of Malaysia is in reality of unlimited scope and undefined character and that the specific reservations cover multiple, central provisions of the Convention.

Consequently, the Government of Denmark finds that the reservations are incompatible with the object and purposes of the Convention and accordingly inadmissible and without effect under international law. Furthermore, it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. Therefore, the Government of Denmark objects to these reservations.

The Convention remains in force in its entirety between Malaysia and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Malaysia to reconsider its reservation to the Convention on the Elimination of All Forms of Discrimination against Women.

On a reservation by Lesotho

The Government of Denmark has examined the reservation made by Lesotho upon ratification. The second part of the reservation reads:

> "The Lesotho Government's ratification is subject to the understanding that none of its obligations under the Convention, especially in article 2 (e), shall be treated as extending to the affairs of religious denominations.
>
> "Furthermore, the Lesotho Government declares it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho."

Because of its unlimited scope and undefined character, the Government of Denmark considers this reservation incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Furthermore, it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. Therefore, the Government of Denmark objects to these reservations.

The Convention remains in force in its entirety between Lesotho and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Lesotho to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

On a reservation by Singapore

The Government of Denmark has examined the reservation made by the Government of Singapore upon accession to the Convention. The first reservation reads:

> "In the context of Singapore's multiracial and multi-religious society and the need to respect the freedom of minorities to practise their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2 and 16 where compliance with those provisions would be contrary to their religious or personal laws."

Because of its general and undefined character, the Government of Denmark considers this reservation incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Furthermore, it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. Therefore the Government of Denmark objects to these reservations.

The Convention remains in force in its entirety between the Republic of Singapore and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Singapore to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Communication received from the Government of Sweden

[Original: English]

[25 October 1996]

The Government of Sweden has examined the content of the reservations made by the Government of Malaysia, by which "accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic shariah law and the Federal Constitution of Malaysia", and by which "the Government of Malaysia does not consider itself bound by the provisions of articles 2 (f), 5 (a), 7 (b), 9 and 16".

The Swedish Government considers that the reservations made by the Government of Malaysia are incompatible with the object and purpose of the Convention. Such reservations are not permitted according to article 28, paragraph 2, of the Convention.

In this context the Swedish Government wishes to make the observation that reservations incompatible with the object and purpose of a treaty not only cast doubts on the commitment of the reserving State, but moreover contribute to undermining the basis of international law.

It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by other parties and that States are prepared to undertake legislative changes necessary to comply with such treaties.

In view of the above, the Government of Sweden objects to the reservations made by the Government of Malaysia.